

**REMARKS**

The Examiner has required restriction under 35 U.S.C. §121 between the following grouping claims:

- I. Claims 1-15, drawn to reducing the number and severity of acne lesions, classified in class 514, subclass 859.
- II. Claims 16-29, drawn to ameliorating the inflammation of acne lesions, classified in class 514, subclass 886.
- III. Claims 30-43 drawn to improving skin tone, classified in class 514, subclass 844.
- IV. Claim 44, drawn to treatment of skin disorders, classified in class 514, subclass 828.
- V. Claims 45 and 46, drawn to treatment of stress-related skin diseases, classified in class 514, subclass 863.
- VI. Claims 49 and 50, drawn to reducing the visual appearance of shine on human skin, classified in class 514, subclass 848.
- VII. Claim 51, drawn to reducing sebaceous gland output, classified in class 514, subclass 848.
- VIII. Claim 52, drawn to increasing compliance of anti acne products, classified in class 514, subclass 859.

The Examiner asserts that the inventions are distinct each from the other because inventions I - VII and VIII are unrelated with respect to process of use.

Applicants respectfully traverse this restriction requirement. However, to be fully responsive, Applicants elect, with traverse, the invention of Group I, directed to claims 1-15. Applicants respectfully traverse the restriction requirement for the following reasons. M.P.E.P. § 803 states that the two criteria for a proper requirement for restriction between patentably distinct inventions are 1) the inventions must be independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is not required. Here, the Examiner has not shown that there would be a serious burden if restriction were not required. Specifically, it is noted that each of the different grouping of claims are

classified in the same class, *i.e.*, class 514. Accordingly, it would not be a serious burden for the Examiner to examine all pending claims.

Accordingly, for all these reasons, Applicants respectfully request the restriction requirement and election requirement be withdrawn, and all pending claims be examined. Applicants await an action on the merits.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-571/EMH. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,



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